

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

UNITED STATES OF AMERICA	§	
v.	§	CRIMINAL No. 6:05cr23
SYRETTA RENEE FRAZIER	§	

**REPORT & RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE**

On June 12, 2006, the Court conducted a hearing to consider the government's petition to revoke the supervised release of Defendant, Syretta Renee Frazier. The government was represented by Wes Rivers, Assistant United States Attorney for the Eastern District of Texas, and Defendant was represented by Court appointed counsel, Clifton Roberson.

Defendant originally plead guilty to one count of threatening a federal official in violation of 18 U.S.C. § 115, a Class D felony for which U.S. District Judge William M. Steger sentenced Defendant to 15 months followed by 3 years supervised release. On May 8, 2006, Defendant completed the term of imprisonment and began the term of supervised release.

Under the terms of supervised release Defendant was required to, among other things, answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer. The government alleges that Defendant violated this condition by failing to report to the probation office as instructed on May 19 and 22, 2006.

If the Court finds by a preponderance of the evidence that Defendant violated the conditions of supervised release by failing to appear as instructed, a sentence of no more than two years of imprisonment may be imposed. 18 U.S.C. § 3583(e)(3). Pursuant to U.S.S.G. § 7B1.1(a), such a

finding would support a Grade C violation, for which the Court may revoke Defendant's term of supervised release in favor of a term of imprisonment. Considering Defendant's criminal history category of I, the guideline imprisonment range for a Grade C violation is 3 to 9 months.

At the hearing, the parties indicated they had come to an agreement whereby Defendant would plead true to the single allegation contained in the petition. However, Defendant elected not to plead true, opting instead to exercise her right to proceed with a hearing to determine whether she violated conditions of her supervised release by failing to report to the probation office as directed on May 19 and 22, 2006. Assistant U.S. Attorney Wes Rivers called U.S. Probation Officer Christie Ogden ("Officer Ogden") to testify.

Officer Ogden has worked in the supervision unit of the U.S. Probation Office for 4 years, and was in charge of supervising Defendant. Following Defendant's release from the Federal Medical Center Carswell ("FMC Carswell"), Officer Ogden conducted an initial interview to inform Defendant of the requirements and expectations associated with supervised release. During that interview, Defendant admitted that she had thrown away medication prescribed to her by physicians at FMC Carswell to treat her diagnosed condition of paranoid schizophrenia. In an effort to get Defendant back on her medication, Officer Ogden contacted FMC Carswell to secure a replacement prescription and instructed Defendant to appear on May 19, 2006 to pick up her medication. Defendant failed to appear on May 19, 2006 and again on May 22, 2006.

Defendant's mother and third party custodian, Angela Kay Frazier ("Ms. Frazier") testified that she offered to drive Defendant to the Probation Office on May 19, 2006, but Defendant refused to go. Similarly, on May 22, 2006 Ms. Frazier offered to drive Defendant to the probation office to appear for her scheduled meeting, but Defendant refused to go.

In light of Officer Ogden and Ms. Frazier's testimony, the Court finds by a preponderance of the evidence that Defendant violated the condition of supervised release as alleged in the government's petition by failing to report to the Probation Office as directed on May 19 and 22, 2006. Further, the Court adopts the Probation Office's sentencing recommendation, and pursuant to the Sentencing Reform Act of 1984, sentences Defendant to 9 months in FMC Carswell with no supervised release to follow.

So ORDERED and SIGNED this 12th day of June, 2006.



JOHN D. LOVE
UNITED STATES MAGISTRATE JUDGE